

TITLE 326 AIR POLLUTION CONTROL DIVISION**IC 13-14-9.5-1.1 NOTICE OF REVIEW OF NONEXPIRING RULES**

LSA Document #18-169

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in [IC 13-14-9.5-1.1](#) do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or to continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also notice a public hearing before the Environmental Rules Board (board). IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9.5-1](#) provides that chapter 9.5 does not apply to "a rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions." Therefore, those rules are not subject to this notice of rule review; however, for the reader's information, a list of exempt rules is included in this notice.

IC 13-14-9-4(a)(5) THROUGH IC 13-14-9-4(a)(7) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. The listed rules establish requirements to implement the Clean Air Act (CAA). No element of the listed rules imposes either a restriction or requirement on persons to whom the rule applies that is not imposed under federal law. The CAA authorizes comprehensive federal and state regulations to limit air pollution. These rules have been incorporated into the Indiana State Implementation Plan (SIP) and are federally enforceable. These rules are authorized under [IC 13-17-3-4](#) and [IC 13-17-3-11](#).

LIST OF RULES THAT DO NOT EXPIRE

The following is a list of rules in 326 IAC that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

326 IAC 2-10-1	Limiting potential to emit
326 IAC 2-11-1	General provisions

LIST OF EXEMPT RULES

This is a list of rules in 326 IAC to which [IC 13-14-9.5](#) does not apply in accordance with the exceptions in [IC 13-14-9.5-1](#). This list of exempt rules is provided for informational purposes only. The following rules are exempt from [IC 13-14-9.5](#):

326 IAC 1-1-3.5	References to the Compilation of Air Pollution Emission Factors AP-42 and Supplements
326 IAC 1-4	Attainment Status Designations
326 IAC 3-8-1	Applicability; incorporation by reference of federal standards
326 IAC 8-8-3	Requirements; incorporation by reference of federal standards
326 IAC 8-8-1-3	Requirements; incorporation by reference of federal standards
326 IAC 11-6	Hospital/Medical/Infectious Waste Incinerators
326 IAC 11-7	Municipal Waste Combustors
326 IAC 11-8	Commercial and Industrial Solid Waste Incineration Units
326 IAC 11-9	Other Solid Waste Incineration Units
326 IAC 11-10	Sewage Sludge Incineration Units
326 IAC 12	NEW SOURCE PERFORMANCE STANDARDS
326 IAC 14-1-1	Applicability
326 IAC 14-1-2	Definitions
326 IAC 14-1-3	More stringent limitations apply
326 IAC 14-2	Emission Standards for Sources of Asbestos Listed in Section 1 of this Rule

326 IAC 14-3	Emission Standard for Beryllium
326 IAC 14-4	Emission Standard for Beryllium Rocket Motor Firing
326 IAC 14-5	Emission Standard for Mercury
326 IAC 14-6	Emission Standard for Vinyl Chloride
326 IAC 14-7	Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
326 IAC 14-8-1	Applicability
326 IAC 14-8-2	Definitions
326 IAC 14-8-3	Test methods and procedures
326 IAC 14-8-4	Record keeping requirements
326 IAC 14-8-5	Reporting requirements
326 IAC 16-3-1	Applicability; incorporation by reference of federal standards
326 IAC 19-2	Transportation Conformity to Federal and State Implementation Plans
326 IAC 20-1	General Provisions
326 IAC 20-2	Accidental Releases
326 IAC 20-3	Emission Standards for Hazardous Air Pollutants for Coke Oven Batteries
326 IAC 20-4	Emission Standard for Hazardous Air Pollutants for Industrial Process Cooling Towers
326 IAC 20-5	Ethylene Oxide Commercial Sterilization and Fumigation Facilities
326 IAC 20-6	Halogenated Solvent Cleaning
326 IAC 20-7	Perchloroethylene Dry Cleaning Facilities
326 IAC 20-8	Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
326 IAC 20-9	Magnetic Tape Manufacturing Operations
326 IAC 20-10	Bulk Gasoline Distribution Facilities
326 IAC 20-11	Synthetic Organic Chemical Manufacturing Industries
326 IAC 20-12	Processes Subject to the Negotiated Regulation for Equipment Leaks
326 IAC 20-14	Wood Furniture Manufacturing Operations
326 IAC 20-15	Aerospace Manufacturing and Rework Facilities
326 IAC 20-16	Petroleum Refineries
326 IAC 20-17	Marine Tank Vessel Loading Operations
326 IAC 20-18	Printing and Publishing Operations
326 IAC 20-19	Group I Polymers and Resins
326 IAC 20-20	Epoxy Resins and Non-Nylon Polyamides
326 IAC 20-21	Group IV Polymers and Resins
326 IAC 20-22	Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production
326 IAC 20-23	Off-Site Waste and Recovery Operations
326 IAC 20-24	Primary Aluminum Reduction Plants
326 IAC 20-26	Shipbuilding and Ship Repair Surface Coating Operations
326 IAC 20-27	Portland Cement Manufacturing Industry
326 IAC 20-28	Hazardous Waste Combustors
326 IAC 20-29	Hydrochloric Acid Steel Pickling and Regeneration Plants
326 IAC 20-30	Oil and Natural Gas Production
326 IAC 20-31	Natural Gas Transmission and Storage
326 IAC 20-32	Publicly Owned Treatment Works
326 IAC 20-33	Pulp and Paper Production; Noncombustion
326 IAC 20-34	Phosphoric Acid Manufacturing and Phosphate Fertilizers Production
326 IAC 20-35	Tanks—Level 1
326 IAC 20-36	Containers
326 IAC 20-37	Surface Impoundments
326 IAC 20-38	Individual Drain Systems
326 IAC 20-39	Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process
326 IAC 20-40	Equipment Leaks—Control Level 1
326 IAC 20-41	Equipment Leaks—Control Level 2
326 IAC 20-42	Oil-Water Separators and Organic-Water Separators
326 IAC 20-43	Storage Vessels (Tanks)—Control Level 2
326 IAC 20-44	Generic Maximum Achievable Control Technology
326 IAC 20-45	Pesticide Active Ingredient

326 IAC 20-46	Mineral Wool Production
326 IAC 20-47	Wool Fiberglass Manufacturing
326 IAC 20-48	Emission Standards for Hazardous Air Pollutants for Boat Manufacturing
326 IAC 20-49	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
326 IAC 20-50	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units
326 IAC 20-51	Manufacturing of Nutritional Yeast
326 IAC 20-52	Wet-Formed Fiberglass Mat Production
326 IAC 20-53	Leather Finishing Operations
326 IAC 20-54	Cellulose Products Manufacturing
326 IAC 20-55	Rubber Tire Manufacturing
326 IAC 20-56	Reinforced Plastic Composites Production
326 IAC 20-57	Pharmaceuticals Production
326 IAC 20-58	Amino and Phenolic Resins
326 IAC 20-59	Polyether Polyols Production
326 IAC 20-60	Solvent Extraction for Vegetable Oil Production
326 IAC 20-61	Semiconductor Manufacturing
326 IAC 20-62	Refractory Products Manufacturing
326 IAC 20-63	Surface Coating of Large Appliances
326 IAC 20-64	Surface Coating of Metal Coil
326 IAC 20-65	Paper and Other Web Coating
326 IAC 20-66	Flexible Polyurethane Foam Fabrication Operations
326 IAC 20-67	Municipal Solid Waste Landfills
326 IAC 20-68	Friction Material Manufacturing Facilities
326 IAC 20-69	Polyvinyl Chloride and Copolymers Production
326 IAC 20-70	Secondary Aluminum
326 IAC 20-71	Asphalt Processing and Asphalt Roofing
326 IAC 20-72	Brick and Structural Clay Products
326 IAC 20-73	Clay Ceramics Manufacturing
326 IAC 20-74	Coke Ovens: Pushing, Quenching, and Battery Stacks
326 IAC 20-75	Engine Test Cells/Stands
326 IAC 20-76	Hydrochloric Acid Production
326 IAC 20-77	Printing, Coating, and Dyeing of Fabrics and Other Textiles
326 IAC 20-78	Surface Coating of Metal Furniture
326 IAC 20-79	Surface Coating of Wood Building Products
326 IAC 20-80	Surface Coating of Miscellaneous Metal Parts and Products
326 IAC 20-81	Surface Coating of Plastic Parts and Products
326 IAC 20-82	Stationary Reciprocating Internal Combustion Engines
326 IAC 20-83	Organic Liquid Distribution (Non-Gasoline)
326 IAC 20-84	Miscellaneous Organic Chemical Manufacturing
326 IAC 20-85	Surface Coating of Automobiles and Light-Duty Trucks
326 IAC 20-86	Surface Coating of Metal Cans
326 IAC 20-87	Site Remediation
326 IAC 20-88	Miscellaneous Coating Manufacturing
326 IAC 20-89	Coal-Fired and Oil-Fired Electric Utility Steam Generating Units
326 IAC 20-90	Stationary Combustion Turbines
326 IAC 20-91	Lime Manufacturing Plants
326 IAC 20-92	Iron and Steel Foundries
326 IAC 20-93	Integrated Iron and Steel Manufacturing
326 IAC 20-94	Mercury Cell Chlor-Alkali Plants
326 IAC 20-95	Industrial, Commercial, and Institutional Boilers and Process Heaters
326 IAC 21	ACID DEPOSITION CONTROL
326 IAC 22	STRATOSPHERIC OZONE PROTECTION
326 IAC 24-5-1	Applicability and incorporation by reference
326 IAC 24-5-2	CSAPR NO _x annual trading budget

326 IAC 24-6-1	Applicability and incorporation by reference
326 IAC 24-6-2	CSAPR NO _x ozone season group 2 trading budget
326 IAC 24-7-1	Applicability and incorporation by reference
326 IAC 24-7-2	CSAPR SO ₂ group 1 trading budget
326 IAC 26-1	Best Available Retrofit Technology

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on the nonexempt rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany the comments. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

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Jack Harmon
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to jaharmon@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than May 18, 2018. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Jack Harmon, Rules Development Branch, Office of Legal Counsel, (317) 234-9535 or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

[Notice of Public Hearing](#)

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